



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-05 Legistar #: 20141352

Board of Zoning Appeals Hearing: Monday, January 26, 2015

Property Owner: 3 Shellys Inc. / Wazir
4133 Saginaw Lane
Carrollton, TX 75010

Applicant: Sanford McAllister
Waffle House
5986 Financial Drive
Norcross, GA 30071

Address: 1176 Roswell Road

Land Lot: 12380 District: 16 Parcel: 0090

Council Ward: 7A Existing Zoning: CRC

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce the rear setback from 35 ft. to 12 ft. [*§708.16 (H)*]
2. Variance to allow for an accessory structure to be closer to the public right of way than principal structure. [*§708.16 (F)*]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



View of 1176 Roswell from rear (southeast)



View of 1176 Roswell from front



View of 1176 Roswell from side (west)

Recommended Action:

Sanford McAllister, on behalf of the property owners 3 Shelly's Inc./Wazir, is requesting variances for the property located at 1176 Roswell Road in order to build a new Waffle House restaurant. The property, along with all surrounding properties, is zoned Community Retail Commercial (CRC), and currently contains a vacant fast food restaurant building. The site is bordered by three public streets: Frey's Gin Road, Frey's Gin Court, and Roswell Road.

The Georgia Department of Transportation (GDOT) is currently constructing the Northwest Corridor Reversible Lane project along the west side of I-75. This project consists of managed, elevated lanes on I-75 and I-575; and Roswell Road is proposed to be one of the access points for the lane. Although the design on this intersection is not final, it may impact the ultimate configuration of this site.

Variance #1 (Rear setback)

Approval, with stipulation. Section 708.16 (H) states that the required rear setback is 35 feet. The site is bordered by three road frontages, creating a triangle shaped property, and thus making corners and the site difficult to develop within compliance of City Code. The applicant has indicated that the southern portion of the proposed Waffle House building will extend 10 to 12 feet over the southern (rear) setback line. Because the proposed encroachment over the rear property line will potentially impact an adjacent property, Staff recommends that a 10 foot buffer be planted along this property line. Evergreen trees should be planted within this buffer to help mitigate the impact of the reduced rear yard setback.

Variance #2 (Accessory structure)

Approval. Section 708.16 (F) states *"In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building."* As stated before, the site is bordered by three public right of ways which makes it difficult to develop the site in compliance with the regulations. The applicant indicates that the proposed position of the accessory structure will be along the east side of the property. This location is near the right of way of Frey's Gin Court that the Georgia Department of Transportation (GDOT) plans to convert into a dead-end street, which will make this area less visible. The construction materials of the accessory structure will match the building and will be screened by a wooden gate.

In summary, because of the site being bordered by three public streets, and given the layout of the site, **staff recommends approval** off the listed variances given the hardship of the site. However, Staff recommends that a 10 foot buffer of evergreen trees be planted along the rear property line buffer to help mitigate the impact of the reduced rear yard setback.

The following comments from the Public Works Department are being provided to the Board of Zoning Appeals members for informational purposes:

Public Works Comments:

- The drawing provided does not match the concept plans currently in progress to final design by GA DOT and the Northwest Corridor Project. Significant redesign may be necessary at a later date.
- On the drawing, parking spaces 15-17 are “double loaded” with stacked parking which is not allowable. It is strongly suggested that any design on this project fully incorporate the Northwest Corridor plans prior to preparation.
- A 6’ wide sidewalk with 2’ grass strip is required across the frontage of the property on Roswell Street as well as Frey’s Gin Road realignment. If additional R.O.W. is required to keep the sidewalk and strip within the R.O.W. then it must be provided.
- HC ramps and crosswalks are required at all crossings.
- Dumpster access must be provided such that the truck will not block public Right-Of-Way at any time. Provide drawings which will delineate the AASHTO SU-30 compliance.
- Extend the proposed 5’ sidewalk across parking spaces 26 & 27, and tie to sidewalk which will be installed by this new construction along Frey’s Gin Road realignment.
- Provide 5’ sidewalk along parking space 13 to the new sidewalk which will be installed across frontage of Roswell Street.



14-497
V2015-05

Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, AICP, Director

APPLICATION FOR VARIANCE OR APPEAL
(Owner/Applicant/or Representative must be present at all public hearings)

Application #: V2015-05 Hearing: 1-26-15 Legistar # _____

This is a variance/appeal application for:

☒ Board of Zoning Appeals

☐ City Council

Owner's Name 3 SHELLY'S INC./WAZIR

Address 4133 SAGINAW LANE Zip Code: 75010
CARROLLTON, TX

Telephone Number: 404 386 1700 Email Address: JEFFALIB29@gmail.com
529

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant SANFORD MCALLISTER FOR WAFFLE HOUSE

Address 5986 FINANCIAL DR. Zip Code: 30071

Telephone Number 679 427 5635 Email Address: SANFORDMCALLISTER@
WAFFLEHOUSE.COM

Address of property for which a variance or appeal is requested:

1176 RUSWELL ROAD Date of Acquisition: _____

Land Lot (s) 1238 District 16TH Parcel _____ Acreage 0.6 Zoned CRC Ward _____ FLU _____

List the variance(s) or appeal requested (please attach any additional information):

SEE ATTACHMENT

Required Information

1. Application fee (\$250)
2. Completed notarized application. **The original application must be submitted with ALL original signature(s) – Copies of the application or signature(s) will NOT be accepted.**
3. Legal description of property.
4. Letter describing the reason for the variance request, stating why strict adherence to the code would result in a particular hardship (as distinguished from a mere inconvenience or desire to make more money).
5. Site plan - 25 copies of site plan drawn to scale. Site plans must illustrate property lines and all relevant existing information and conditions in addition to proposed additions or modifications within the referenced property lines of the tract(s).
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.
7. Documentation authorizing applicant to submit application by property owners if applicant is not owner.

Note: The Department of Development Services reserves the right to obtain additional information that reasonably may be required in order that an informed decision may be made.

OVER



PUBLIC NOTICE OF VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following variance requests. The Board of Zoning Appeals will consider the following requests on **Monday, January 26, 2015, 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

V2015-04 [VARIANCE] NORTHSIDE MULTI FAMILY, LLC request a variance for property located in Land Lot 10710, District 16, Parcel 0390, 2nd Section, Marietta, Cobb County, Georgia and being known as 735 Cobb Parkway North. Variance to increase the maximum floor area ratio (FAR) from 0.50 to 0.55; variance to increase the maximum impervious surface from 80% to 91%; variance to reduce the side setback from 15 ft. to 14.7 ft. Ward 5B.

A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

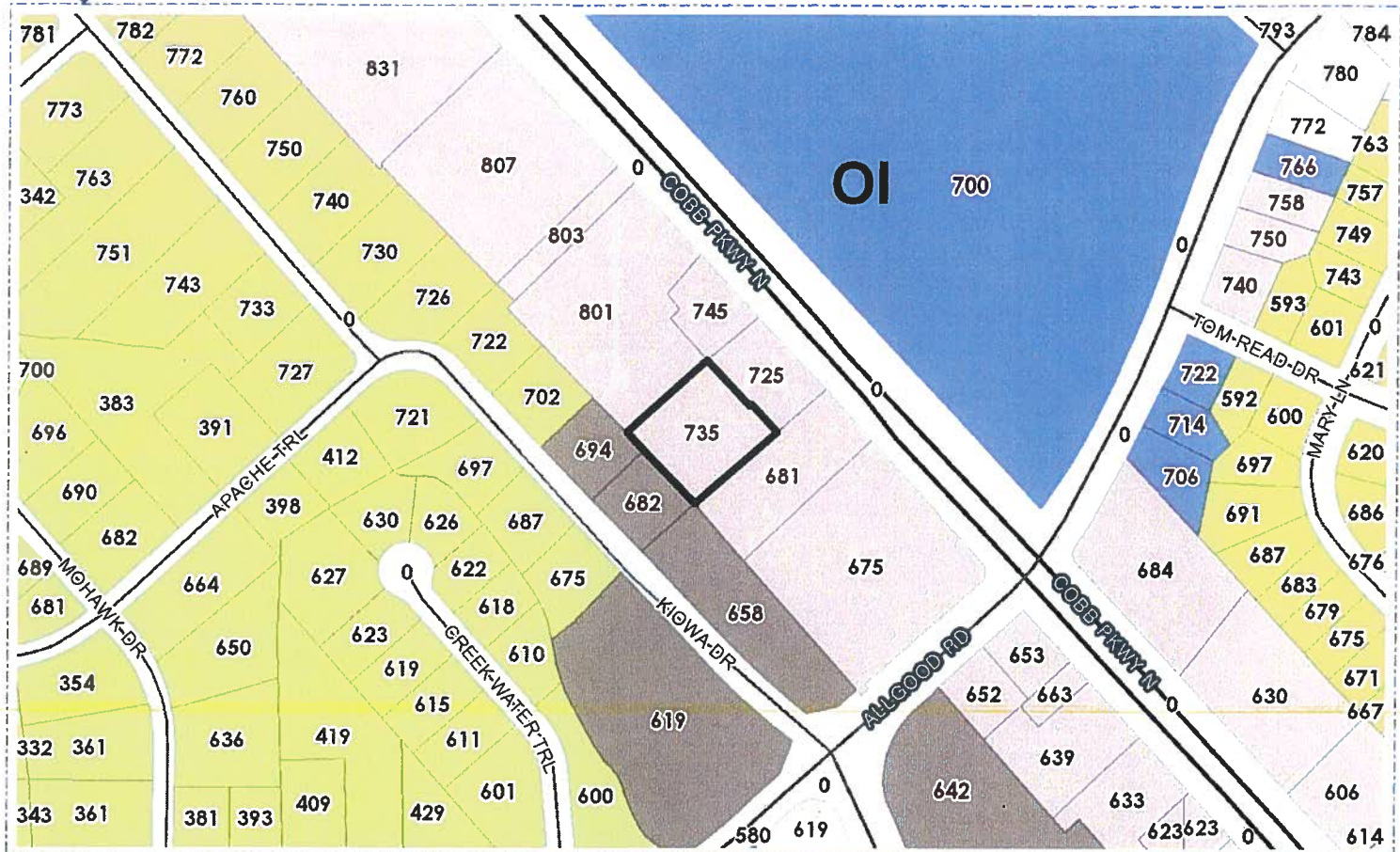
For additional information please call the Planning and Zoning Office (770) 794-5669.

Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Dennis Stover, ADA Coordinator, at 770-794-5568 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060



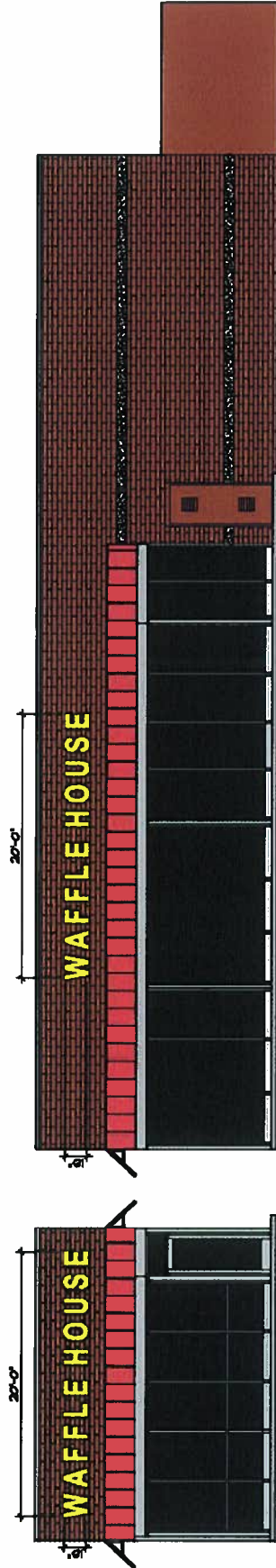
Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
735 COBB PKWY N	16107100390	0.803	5B	CRC	CAC
<div> <div>Property Owner:</div> <div>Northside Multi Family, LLC</div> </div>					
<div> <div>Applicant:</div> <div>Kirk Buttle</div> </div>					
<div> <div>BZA Hearing Date:</div> <div>1/26/15</div> </div>					
<div> <div>Acquisition Date:</div> <div></div> </div>					
<div> <div>Case Number:</div> <div>V2015-04</div> </div>					
<div> <div>City of Marietta Planning & Zoning</div> </div>					

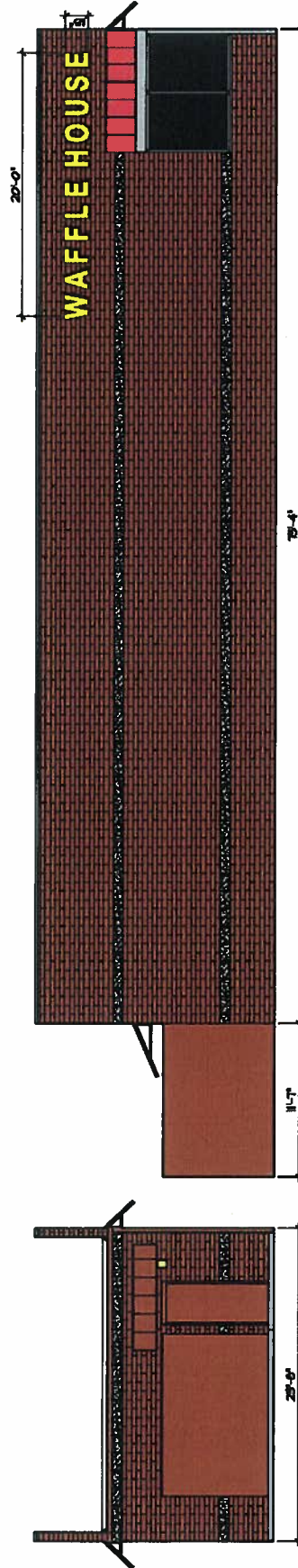
Zoning Symbols

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Mobile Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev. Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise



STRETCH END

LONG GLASS WALL



REAR

LONG BLOCK WALL



1176 ROSWELL RD. - MARIETTA, GA

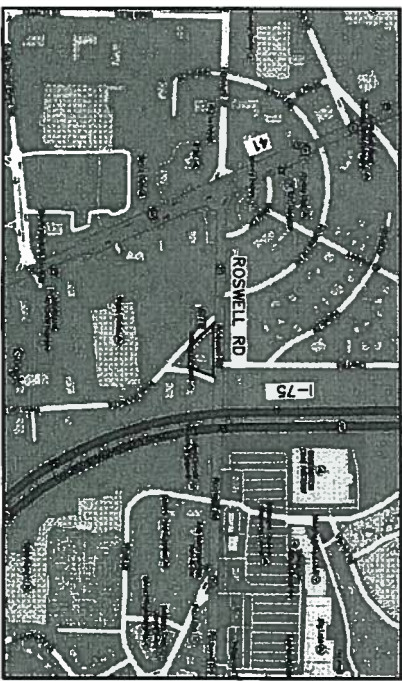
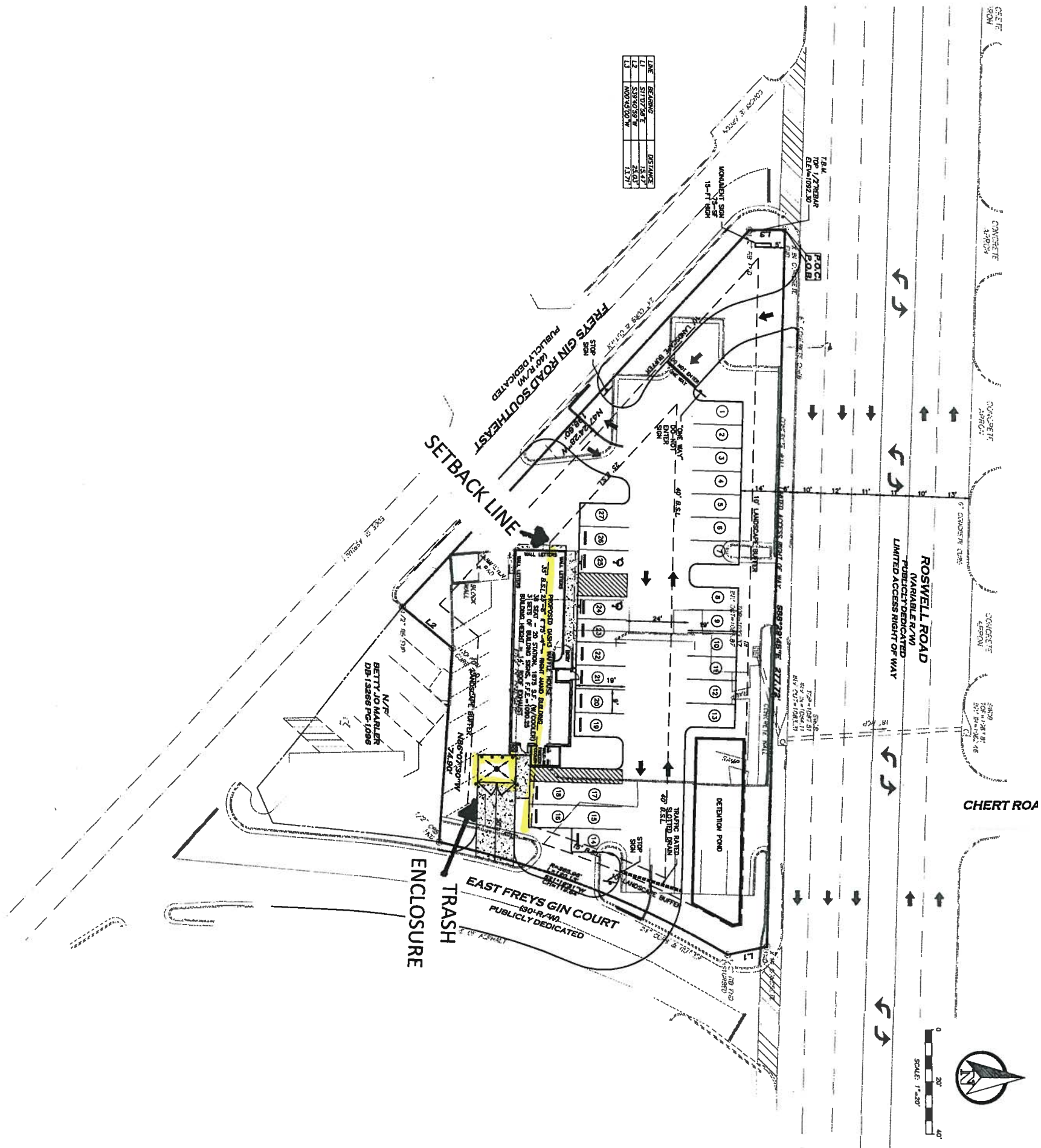
LH MEDIUM PARAPET BUILDING
BERRIDGE STANDARD COLOR "DEEP RED" STANDING SEAM AWNING
RICHFIELD BLEND QUIKBRIK
GRAY SPLIT-FACE BLOCK
18" CHANNEL CUT LETTERS

DATE
12/15/14

AWNING SPECIFICATIONS:

Rigid frames shall be made of 1" square mill finished extruded aluminum. Frames shall be covered with Berridge 24 gauge galvanized "Tee-Panel" standing seam roofing. Tee panels shall be the standard 12-¾" wide and snap on seams shall be 1" in height. Panels and seams shall have a Kynar 500/Hylar 5000 paint finish in the Berridge standard color "Deep Red". The exposed underside of the panels shall be a wash coat primer in beige.

The ends of the awning shall be perpendicular to the storefront. The standard awning shall be 2'-0" high and have a 2'-0" projection. The awning over the back door shall be 4'-0" x 8'-0" and painted to match the building.



VICINITY MAP

LEGEND

- PROPERTY LINE
- EASEMENT LINE
- SETBACK LINE
- IF CONCRETE CURB AND GUTTER
- PROPOSED SIDEWALK
- HANDICAP ACCESSIBLE DESIGNATED STALL
- HANDICAP PARKING SIGN
- PARKING SPACE COUNT

SITE SUMMARY		PARKING SUMMARY	
ZONING DISTRICT	ONE	STALLS	REQUIRED
PROPOSED USE	RESTAURANT	ACCESSIBLE STALLS	10
EXISTING BUILDING	1,175 SF	STALLS	20
PROPOSED BUILDING	1,175 SF	STALLS	2
EXISTING DRIVEWAY	1,175 SF	STALLS	2
PROPOSED DRIVEWAY	1,175 SF	STALLS	2
EXISTING AREA	0.355 AC	STALLS	2
PROPOSED AREA	0.355 AC	STALLS	2

ZONING REQUIREMENTS	
MINIMUM LOT SIZE	20,000 SF
MINIMUM LOT WIDTH	100 FT
MINIMUM LOT DEPTH	75 FT
MINIMUM FLOOR AREA RATIO	1.0
MINIMUM LOT COVERAGE	15%
MINIMUM SIDEWALK SETBACK	15'
MINIMUM FRONT SETBACK	15'
MINIMUM SIDE SETBACK	15'
MINIMUM REAR SETBACK	15'

SITE NOTES

- CONSTRUCTION OF ALL WORK SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AS WELL AS WITH FEDERAL, STATE AND LOCAL REGULATIONS. DEVIATION FROM THESE MAY CAUSE THE PROJECT TO BE UNACCEPTABLE.
- PROJECT TO BE DELIVERED IN ACCORDANCE WITH AMERICAN WITH DISABILITY ACT (ADA) PER FEDERAL, STATE AND LOCAL CODES.
- PROJECT TO BE DELIVERED IN ACCORDANCE WITH THE LAMPSON TRAFFIC CONTROL MANUAL (TAMTC), AS WELL AS STATE AND LOCAL REGULATIONS.
- ARCHITECTURAL PLANS ARE TO GOVERN IN THE AREA WITHIN 5' OF THE BUILDING ENVELOPE. THIS IS TO INCLUDE, BUT NOT LIMITED TO, STOPS, SIGNAGE, AND OTHER FEATURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK OUTSIDE OF THIS ENVELOPE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SITE MEASUREMENTS AND SHALL MAINTAIN DIMENSIONS. ALL ROAD SHALL BE ASSIGNED TO BE 5' WIDER THAN DIMENSION IS GIVEN.
- EXISTING AND REMAINING FACILITIES, WHETHER ON THE PROPERTY OR ON ADJACENT PROPERTIES, SHALL BE MAINTAINED IN GOOD CONDITION. IF ANY FACILITIES ARE DAMAGED, THEY SHALL BE REPAIRED TO THEIR ORIGINAL CONDITION.
- CONTRACTOR IS RESPONSIBLE TO PROVIDING ALL AS-BUILTS AND OTHER CERTIFICATIONS IN ORDER TO OBTAIN THE ACCEPTANCE OF THE PROJECT BY THE CLIENT AND RELEASE OF A CERTIFICATE OF OCCUPANCY.
- CONTRACTOR TO VERIFY THE EXISTING CONDITIONS ON WHICH THE PROJECT IS BASED. ALL PLANS AND SPECIFICATIONS SHALL BE BASED ON THE PROJECT RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE SCOPE AND DELIVERY OF THE PROJECT. THE CONTRACTOR IS TO PROVIDE IMMEDIATE WRITTEN NOTIFICATION TO THE ENGINEER.
- ALL EASEMENTS REQUIRED TO COMPLETE THE WORK, BUT NOT PROVIDED BY THE CLIENT, ARE THE RESPONSIBILITY OF THE CONTRACTOR.
- CURB AND GUTTER SHALL BE 18" IN SIZE UNLESS SPECIFIED OTHERWISE.
- THE CONTRACTOR SHALL OBTAIN THE CURB AND GUTTER AT A 24-HOUR COMPRESSIVE STRENGTH OF 1000 PSI.
- THE CONTRACTOR SHALL OBTAIN THE PARKING LOT PAINTING AND STRIPING WITH A MINIMUM OF TWO COATS OF PAINT PER PROJECT SPECIFICATIONS.

"A UNIQUE AMERICAN PHENOMENON"

WAFFLE HOUSE

"AMERICA'S PLACE TO EAT, AMERICA'S PLACE TO WORK"

5886 Financial Drive, Norcross, GA 30071
(770) 729-5700

WAFFLE HOUSE
MARIETTA, GA

38 SEAT / 20 STATION / RH SUPERBRICK, REVERSE SLOPE FASCIA

LOCATION: 1175 ROSWELL ROAD
MARIETTA, GA 30062

CHECKED BY: BHR
DRAWN BY: LEB

THE CONTINEO GROUP

THE CONTINEO GROUP
572 OAKDALE ROAD | ATLANTA, GA 30307
PHONE: 770.335.9403 | WWW.THECONTINEOGROUP.COM

12/12/14

RE

CONCEPT
SITE PLAN

JOB NO: 14-235
DATE: 12/15/14

SHEET
CSP08
OF 1
SHEETS